UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/CONF.151/PC/116
9 March 1992

ORIGINAL: ENGLISH

PREPARATORY COMMITTEE FOR THE UNITED
NATIONS CONFERENCE ON ENVIRONMENT
AND DEVELOPMENT
Fourth session
New York, 2 March-3 April 1992
Agenda item 2 (b) of Plenary
Agenda item 4 (a) of Working Group II

PREPARATIONS FOR THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT ON THE BASIS OF GENERAL ASSEMBLY RESOLUTION 44/228 AND TAKING INTO ACCOUNT OTHER RELEVANT GENERAL ASSEMBLY RESOLUTIONS: RELEVANT ACTIONS OF INTERGOVERNMENTAL AND OTHER BODIES OF RELEVANCE TO THE PREPARATORY PROCESS

ENVIRONMENTALLY SOUND MANAGEMENT OF HAZARDOUS WASTES

(Section II, Chapter 12 of Agenda 21)

Recommendations on international strategy and action programme including technical guidelines for the environmentally sound management of hazardous wastes of the Ad Hoc Meeting of Government-designated Experts convened by UNEP, held at Nairobi from 9 to 11 December 1991

1. In its decision 16/30, the Governing Council of the United Nations Environment Programme requested the Executive Director to prepare, through the Interim Secretariat for the Basel Convention and in cooperation with the Secretariat of the United Nations Conference on Environment and Development, the Food and Agriculture Organization of the United Nations, the International Labour Organisation, the World Health Organization, the United Nations Industrial Development Organization, the Organisation for Economic Cooperation and Development, the European Economic Community and other relevant organizations, draft elements of an international strategy and an action programme, including technical guidelines, for environmentally sound management of hazardous waste and to convene an Ad Hoc Meeting of Government-designated Experts to consider the draft elements and a possible international strategy and action programme.

2. In the same decision, the Executive Director was also requested to submit a report on the outcome of the meeting of Government-designated Experts to the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal at its first meeting and to the Contracting Parties to the Bamako Convention at their first meeting as well as to report on progress made to the Preparatory Committee for the United Nations Conference on Environment and Development at its third session and, at its fourth session, on the outcome of the Meeting of Government-designated Experts.

3. The meeting noted inter alia that:

(a) A comprehensive framework or an international strategy for the environmentally sound management of hazardous wastes is required. A number of steps have been taken by the nations of the world in this regard with the aim of reducing transboundary movements of hazardous wastes to a minimum. Some of these are the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (1989); the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement of Hazardous Wastes within Africa (1991); the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Dumping Convention, 1972) and the Fourth ACP-EEC Convention (Lomé IV Convention, 1989);

(b) These conventions, though comprehensive, are however never in isolation. The aim of the international strategy is to have an all-pervasive type of strategy for hazardous waste management;

(c) Adequate monitoring and control of hazardous wastes is necessary in order to minimize possibilities for harm to living creatures and the environment. Monitoring of hazardous wastes implies that the whereabouts of such wastes are always tracked at all times, viz "from generation to disposal" and that the wastes do, in fact, arrive at an appropriate facility for treatment, storage or disposal.

Objectives of the strategy

4. The overall objective of the international strategy and action plan for the environmentally sound management of hazardous waste is as follows:

> "Within the framework of integrated life-cycle management, prevent to the extent possible and minimize the generation of hazardous waste, treat and dispose of the wastes in such a way that they do not cause harm to health and the environment, and eliminate or reduce transboundary movements of hazardous wastes."

5. The objectives aim at:

(a) Creation of an awareness at policy levels, providing a wide variety of options, and to serve as a reference guide when developing and implementing an action plan on hazardous waste management;

(b) Preventing and minimizing the generation of wastes in terms of quantity and toxicity in both industrial processes and products;

(c) Working out economically viable and sociably acceptable institutional, legal and educational strategies that can be applicable at the national level;

(d) Taking action to make education and exchange of information the cornerstones of any global hazardous waste strategy;

(e) Combining of individual responsibility, corporate behaviour and the adoption of sound waste-management policies by sovereign States with a view to addressing the problem of hazardous wastes management at the global level;

(f) Organizing major international efforts, including control of transboundary movement of hazardous wastes, with a view to laying the foundation for global management of hazardous wastes in an environmentally sound manner.

Principles

6. The following principles represent a selection of those most commonly applied in the management of hazardous wastes. None of them are comprehensive in the sense that they can be used to cover all aspects of environmental management. A single instrument cannot alone deal with the complex nature of environmental management. The formulation of a strategy requires careful selection from these principles, as well as new ones, to construct an integrated and comprehensive policy. Application of these principles will vary from country to country in view of their social, political and economic structure. The principles are as follows:

(a) Polluter-pays Principle: The potential polluter pays for the avoidance of pollution and the polluter pays for the clean-up cost of any pollution that has been caused.

(b) Integrated Life-cycle Principle: The management or design of substances and products should be conducted so as to attain the longest life, and cause minimum environmental impact during their production, use and disposal.

(c) The Precautionary Principle: Environmental protection should be undertaken whereby preventive measures are taken when there is reason to believe that substances, waste or energy introduced into the environment are likely to cause harm even where there is no conclusive evidence to prove a causal relation between inputs and their effects.

(d) The Source Reduction Principle: The generation of hazardous wastes must be reduced to a minimum at the source, in terms of quantity as well as hazardous potential.

(e) The Proximity Principle: Where the generation of hazardous wastes is unavoidable they must be disposed of in adequate facilities as close as possible to their source.

(f) The Self-sufficiency Principle: Countries should aim at final disposal of the wastes they produce as far as is compatible with environmentally sound and efficient management, within their own territories.

(g) The Integrated Pollution Control Principle: Management of hazardous wastes should form part of an environmental strategy for integrated pollution control for all forms of pollution, bearing in mind cross-media and multi-media effects.

(h) Least Transboundary Movement Principle: Transboundary movements of hazardous wastes should be reduced to a minimum, consistent with efficient and environmentally sound management.

(i) The Standardization Principle: Prescribed standards for the environmentally sound management of hazardous wastes should be followed, whatever the place of disposal.

(j) Principle of Sovereignty of National Laws: Every country should have the right to ban the importation of hazardous wastes into its territory in accordance with its national laws.

Strategic guidelines

7. Based on the principles enumerated above, the following strategic guidelines are proposed for the environmentally sound management of hazardous wastes:

(a) First Strategic Guideline: Promote waste prevention and minimization through implementation of cleaner production methods, avoiding the use of hazardous substances where substitutes are available. Where waste is generated, encourage environmentally sound methods of resource recovery, recycling, reclamation, direct re-use or alternative uses of waste.

(b) Second Strategic Guideline: Enhance knowledge and information about the socio-economic aspects of prevention and management of hazardous wastes, by comparing impacts of preventing hazardous wastes generation with managing such wastes.

(c) Third Strategic Guideline: To address the problems associated with contamination of the environment of hazardous wastes, increase knowledge about environmental health impacts and management of hazardous wastes by gathering information concerning environmental contamination and any associated risks posed to man.

(d) Fourth Strategic Guideline: Promote and strengthen institutional non-technical measures and educational and training capacities in hazardous waste management, by developing appropriate institutional frameworks having the authority and capabilities to perform the required tasks.

(e) Fifth Strategic Guideline: Promote and strengthen the effectiveness of international cooperation in management of transboundary movements of hazardous wastes, including control and monitoring, consistent with international legal instruments.

Strategic elements of hazardous waste management

8. This section builds on the strategic guidelines and identifies the elements of the strategic plan. The elements are subject to the following general recommendations for hazardous waste management:

(a) International organizations should promote cooperation among countries particularly with a view to helping developing countries to build up an adequate organizational base and infrastructure to manage the hazardous wastes they produce in an environmentally sound way.

(b) Hazardous waste managers should have the appropriate equipment, as well as the technical and environmental expertise, to process the materials they receive. This requirement forms a foundation for environmentally sound management of these wastes.

(c) There must be a government environmental infrastructure with the authority and capability to regulate, monitor and control activity involving hazardous wastes. This includes inter alia ability to enforce the regulations or penalize the industry or generator at fault.

(d) Those involved with hazardous wastes activities must register with their competent authorities and maintain a status of compliance with their national environmental laws.

(e) Under the oversight of the competent authority, and in accordance with its laws, a person involved with hazardous waste management must comply with national requirements for storage, transport, process waste-water releases, and process air emissions to the minimum consistent with environmentally sound management.

(f) Generators of hazardous wastes should be responsible for any damages caused by these wastes during those parts of the life cycle for which the generator has physical custody and/or legal control.

9. The strategy refers to a number of strategic elements which are elaborated in the report of the Ad Hoc Meeting of Government-Designated Experts to Consider the Draft Elements of and Possible International Strategy and Action Programme for the Environmentally Sound Management of Hazardous Waste (UNEP/CHW/WG.2/1/3).